Workplace Safety Advisor

INSIDE

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- Confined spaces in construction; OSHA final rule - 5/4/15
- Federal agency targeting inspection program for 2015 (FEDTARG15); OSHA FAP 01-15-01 - 4/28/15
- Communication tower safety; OSHA request for information (RFI) - 4/15/15

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Walking-working surfaces final rule tops OSHA's Spring 2015 regulatory agenda

What's New?

On May 21, the Department of Labor released its Agency Rule List for Spring 2015. For OSHA, the Unified Agenda lists ongoing and anticipated rulemakings for the upcoming year, including where the rule is in its regulatory journey (i.e. prerule, proposed rule, or final rule).

Of note, OSHA plans to issue an overhauled Walking-Working Surfaces final rule in August of this year. This rule has been in the works for years, and the date for publication has been a moving target. However, with the recent completion of the Confined Spaces in Construction standard, the rule may see more resources devoted.

Additionally, OSHA is projecting September for publication of a final rule that would require many employers to submit their injury and illness records

*See **Agenda,** page 2*

Severe Violator Enforcement Program (SVEP) by the numbers - (since 2010)

- 485 cases
- 124 (26%) of the 485 SVEP cases were prompted by fatalities
- 35 (8%) of 485 SVEP cases were egregious, 5 of which were also fatalities
- 326 (67%) of the 485 SVEP cases were prompted by non-fatality/catastrophe criterion related to a High-Emphasis Hazard.
- 5 (2%) were non-fatality/catastrophe prompted by hazards due to the potential release of a highly hazardous chemical (Process Safety Management)
- 95 (60%) of the 485 SVEP cases are in construction (16% related to fatalities)

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Agenda, *from page 1*

to OSHA on a quarterly or annual basis. The rule, known as the "Improve Tracking of Workplace Injuries and Illnesses" rule, would require sites with 250+ employees to submit all of their injury/illness records electronically to OSHA on a quarterly basis. Sites having 20+ employees in certain hazardous industries would be required to submit their annual injury/illness summary to OSHA.

Additional rulemaking actions include:

Final rule

- Updating OSHA Standards Based on National Consensus Standards Eye and Face Protection — 5/15 (issue final rule)
- Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records — 1/16 (issue final rule)

Proposed rule

- Occupational Exposure to Crystalline Silica — 6/15 (analyze comments)
- Occupational Exposure to Beryllium — 5/15 (issue proposed rule)
- Standards Improvement Project IV — 9/15 (issue proposed rule)
- Amendments to the Cranes and Derricks in Construction Standard — 11/15 (issue proposed rule)
- Clarification of Employer's Continuing Obligation to Make and Maintain Accurate Records of Each Recordable Injury and Illness — 5/15 (issue proposed rule)
- Quantitative Fit Testing Protocol: Amendment to the Final Rule on Respiratory Protection — 7/15 (issue proposed rule)
- Crane Operator Qualification in Construction — 12/15 (issue proposed rule)

Prerule

- Bloodborne Pathogens review — 9/15 (issue findings on review)
- Combustible dust — 2/16 (initiate small business panel)
- Chemical Management and Permissible Exposure Limits (PELs) — 10/15 (RFI comment period ends)
- Process Safety Management and Prevention of Major Chemical Accidents — 6/15 (initiate small business panel)
- Shipyard Fall Protection--Scaffolds, Ladders and Other Working Surfaces — 9/15 (issue RFI)
- Communication Tower Safety — 6/15 (RFI comment period ends)
- Emergency Response and Preparedness — 6/15 (NACOSH Workgroup) ♦

OSHA proposes approval of State Plan for Maine

The Occupational Safety and Health Administration (OSHA) on May 20 published a proposed rulemaking to approve a new occupational safety and health plan for Maine state and local employees.

Under the OSH Act, state and local government employees are specifically excluded from federal coverage. These employees receive formal OSHA coverage only through an OSHA-approved State Plan.

The Maine State Plan for state and local government employees will be the newest OSHA-approved State Plan. OSHA says, if approved, the plan will cover approximately 81,000 public workers. Private sector and federally employed workers will remain under the jurisdiction of federal OSHA.

The notice of proposed rulemaking (NPRM) had a 30-day comment period that ended June 19, 2015. OSHA will review comments received and respond to them during the next phase of the rulemaking (via the preamble to the final rule).

To be eligible for initial (developmental) approval as a state and local government employee State Plan, a state must be able to operate an occupational safety and health program that is, or will be, at least as effective as the federal program. ♦

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NIOSH training offers strategies for nurses working shift work, long work hours

The National Institute for Occupational Safety and Health (NIOSH) on May 18 released a free online course that aims to train nurses and their managers on the risks of shift work and long work hours, and strategies to reduce these risks.

According to NIOSH, the health care sector in the U.S. currently employs over 18 million workers with services that take place at all hours. The NIOSH Training for Nurses on Shift Work and Long Work Hours is designed to increase knowledge and promote better personal behaviors and workplace systems to reduce the risks linked to working shift work, long work hours, and exposure to related issues from insufficient sleep. Content is derived from scientific literature on shift work, long work hours, sleep, and circadian rhythms.

The NIOSH training takes into account sleep patterns and processes involved with sleep and fatigue, and provides solutions for both staff nurses and nurse managers to reduce these risks. Particularly, the training will inform nurses and their managers about the following:

- How shift work and long hours are linked to a wide range of health and safety risks by reducing time for sleep, disturbing circadian rhythms and disrupting family and non-work responsibilities.
- What vital functions occur during sleep and the relevant physiologic processes that determine the timing of sleep and the development of fatigue.
- Good sleep practices and other coping strategies nurses working shift work and long work hours can adopt in their personal lives to reduce risks.
- Work organization strategies for employers to reduce risks associated with shift work and long work hours.

The training course was developed in collaboration with health care stakeholders, including nursing organizations and academic groups and will provide continuing education for registered nurses who complete the course. A certificate of completion is available for persons who are not registered nurses.

The NIOSH training is a multi-media course that incorporates lesson text, lesson quizzes, and video testimonials from several nurses. The course is divided into two parts to make it easier for nurses to schedule time and receive contact hours for at least part of the training:

- Part 1) Health and safety risks to shift work and long work hours and why these occur;
- Part 2) Strategies to reduce risks from shift work and long work hours.

Part 1 takes about 1.5 hours to complete and Part 2 takes about 1.7 hours. It can be taken at any time that is convenient and over a series of 15 or 20 minute time periods if desired.

The NIOSH Training for Nurses on Shift Work and Long Work Hours is available for desktop and mobile devices on the NIOSH website: www.cdc.gov/niosh/docs/2015-115/. ♦

SAMPLE

Pennsylvania duct manufacturer cited for 10 willful violations

A Montgomeryville, Pennsylvania-based manufacturer of ventilation, duct, and fire safety products was issued 10 willful violations by OSHA based on the company's repeated failure to guard machines and to provide annual audiometric tests. In addition, OSHA cited the company for three willful, four serious, and seven other-than-serious violations for electrical hazards, noise protection, and recordkeeping violations.

The company employs approximately 70 workers at its Montgomeryville site and 25 employees at a second location in Orange Park, Florida.

The citations, delivered on May 11, continue a string of safety issues and noncompliant safety behaviors by the employer.

"In the last 15 years, the people who work for this southeastern Pennsylvania manufacturer have been left to worry about returning home with a workplace injury as [the employer] allows them to operate machines without protection from dangerous moving parts, and exposes them to hazardous noise levels without yearly tests to protect their hearing," OSHA stated in a press release. "Despite numerous federal inspections, warnings, fines, and promises to stop putting workers at risk, the company's repeated failure to keep its employees safe has resulted in approximately 40 serious injuries since 2000. These injuries include serious lacerations as well as crushed, fractured, dislocated, and amputated fingers."

After an inspection prompted by a gruesome injury in July 2014, OSHA levied $822,000 in fines against the company, bringing the firm's total OSHA fines since 2000 to more than $1 million. The agency has also placed the company in its Severe Violator Enforcement Program.

"Since 2000, [company leadership] has shown a pattern of defiance toward OSHA safety standards," the press release continued. "Inspectors find violations, including the absence of safety guards to prevent serious injuries from moving machine parts. [The company] then agrees to correct the hazardous conditions and accepts OSHA penalties, but similar violations are found when the inspectors return. In one instance, OSHA officials were forced to summon U.S. federal marshals to gain entrance to the plant when [the company] refused to admit them, even after they obtained a warrant." ♦

SAMPLE

New guidance for evaluating potential federal contractors, safety and labor violations to be major factors

Recently, the Department of Labor issued proposed guidance to assist contracting agencies and the contracting community in applying a 2014 Executive Order's requirements that prospective federal contractors disclose labor law violations and that government agencies more strongly consider labor violations when awarding federal contracts.

The Federal Acquisition Regulatory Council (FAR Council) is also issuing proposed regulations integrating the order's requirements, and the provisions of the Labor Department's guidance into the existing procurement rules. Both the FAR Council's proposed regulations and the Labor Department's proposed guidance will be published in the *Federal Register*, followed by a 60-day public comment period.

While the vast majority of federal contractors play by the rules, every year tens of thousands of American workers are denied overtime wages, are unlawfully discriminated against in hiring or pay, have their health and safety put at risk by those contractors that cut corners or are otherwise unlawfully denied basic workplace protections, the Department of Labor says.

Some members of Congress, including House Workforce Protections Subcommittee Chairman Tim Walberg (R-MI) and Health, Employment, Labor, and Pensions Subcommittee Chairman Phil Roe (R-TN), are opposed to the regulation and guidance, saying there is already a process in place to weed out "bad actors" and that the new system is overreaching and would harm private businesses.

The Labor Department says that the proposed guidance and regulations build on the existing procurement system, and most federal contractors will only have to attest that they comply with laws providing basic workplace protections; for those contractors that report violations, designated Labor Compliance Advisors will coordinate with the relevant enforcement agency experts to help them come into compliance.

In addition to setting up a process to effectively consider labor law violations, the Executive Order ensures that contractors' employees are given the necessary information each pay period to verify the accuracy of their paycheck. It also ensures that workers who may have been sexually assaulted or had their civil rights violated get their day in court, putting an end to mandatory pre-dispute arbitration agreements covering these claims at large federal contractors.

The FAR Council and the Labor Department say they have made every effort to streamline the disclosure process and minimize the burden on contractors. Both the proposed guidance and regulations were informed by extensive outreach to stakeholders, including contractors, contractor organizations, and worker advocates. "The listening sessions were invaluable as we developed today's proposed guidance and FAR rule," said Administrator of the Office of Federal Procurement Policy Anne Rung. "We've proposed a number of steps to ensure that the rules and guidance are fair, clear and manageable."

In addition to building on the existing federal acquisition system with which contractors are already familiar, parts of the regulations and guidance will be phased in so that contractors have additional time to better understand the requirements. ♦

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The heat (app) is on!

According to OSHA, heat illness sickens thousands of workers every year, and severe cases can be fatal. To help keep outdoor workers cool, OSHA developed a free app to calculate worksite heat index and risk levels, and educate users about how to respond to a heat emergency.

The app was first launched in 2011, and according to OSHA, more than 187,000 people have downloaded it. The app was recently updated on May 5. The new version is optimized for the latest iPhones. It automatically provides the current conditions and maximum heat at a location and can accept manual input if users don't have cell service.

When the app calculates the heat index for a worksite, the tool displays a risk level based on the heat index for outdoor workers. Users can also receive reminders about the protective measures that should be taken at that risk level to protect workers from heat-related illness. The protective measures include:

- Drinking enough fluids,
- Scheduling rest breaks,
- Planning for and knowing what to do in an emergency,
- Adjusting work operations,
- Gradually building up the workload for new workers,
- Training on heat illness signs and symptoms, and
- Monitoring each other for signs and symptoms of heat-related illness.

According to OSHA, working in full sunlight can increase heat index values by 15 degrees Fahrenheit. Workers should keep this in mind and plan additional precautions for working in these conditions.

The OSHA Heat Tool is also available in Spanish for Android and iPhone devices. Get the app by visiting www.osha.gov/SLTC/heatillness/heat_index/heat_app.html. ♦

SAMPLE

Federal court finds foundry, owners, and consultants in contempt for not allowing OSHA inspection

A foundry, its owner, and three members of its safety consultant company have been found in criminal contempt by U.S. District Judge Beth Phillips after resisting and disobeying a court order to allow federal inspectors to investigate a report of an employee with an elevated level of lead in his blood at the foundry.

Exposure to high levels of lead may cause anemia, weakness, and kidney and brain damage. Each year more than 50,000 American workers die from occupational exposure to lead, asbestos and other substances.

The company and persons admitted they resisted and disobeyed an administrative search warrant issued by Magistrate Judge John T. Maughmer on April 6 to cooperate with an OSHA inspection.

The U.S. District Court in Kansas City has ordered the defendants to jointly pay $10,778 to reimburse departmental costs. The foundry and owner are also each liable for $1,000 in fines for their failure to cooperate. The three third-party consultants will each pay fines of $2,000, based on a finding that they willfully impeded OSHA's investigation and refused to comply with the warrant.

"We are pleased that the courts put the workers' welfare first by enforcing the warrant requiring the employer to allow OSHA to inspect the foundry," said Marcia Drumm, OSHA's regional administrator in Kansas City. "[the foundry's] refusal to allow a comprehensive health inspection led OSHA to seek court intervention to ensure its workers are safe."

OSHA investigators attempted to inspect the foundry March 27, after the Missouri Department of Health reported that an employee had an elevated blood lead level. The owner refused to allow inspectors into the foundry, leading agency officials to obtain a warrant and return April 7 to complete the inspection. At that time, the owner and representatives from a consulting firm again refused entry in violation of the warrant. Inspectors returned later that day with U.S. Marshals. The parties persisted in obstructing OSHA's investigators after the U.S. Marshals left the workplace. OSHA was only able to complete the inspection after U.S. Departments of Labor and Justice attorneys initiated contempt proceedings. ♦

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Will your training methods pass an OSHA inspection?

ENFORCEMENT Insight

It has always been important for workers to receive safety training in a format they can understand. In the past couple of years, OSHA has stepped up its checks to ensure this is happening in the workplace, instructing inspectors to check not only that training is provided, but that it is provided in an understandable manner.

Language and vocabulary must be considered

According to an April 28, 2010, policy statement, it is OSHA's position that, regardless of the precise regulatory language, the terms "train" and "instruct," as well as other synonyms, mean to present information in a manner that employees receiving it are capable of understanding, both in terms of language and vocabulary.

For example, if an employee does not speak or comprehend English, OSHA says instruction must be provided in a language the employee can understand. Similarly, if the employee's vocabulary is limited, the training must account for that limitation. By the same token, if employees are not literate, telling them to read training materials will not satisfy the employer's training obligation, OSHA says.

How are other work instructions communicated?

As a general matter, employers are expected to realize that if they customarily need to communicate work instructions or other workplace information to employees at a certain vocabulary level or in a language other than English, they will also need to provide safety and health training to employees in the same manner. ♦

40% of new injury reports result in OSHA inspections

The good news for employers? Not all serious injury reports made to OSHA under the revised reporting rule result in onsite inspections.

The bad news? 40% do result in onsite inspections.

According to OSHA data, the Agency is receiving between 200 and 250 reports per week. Those that don't result in inspection result in a phone investigation (assuming they are work related). ♦

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Average OSHA penalty has doubled over the past 5 years

In FY 2010, the average penalty for a serious violation of an OSHA standard was $1,053. In 2014 that number was almost double, $2,046.

The reason for the increase is that OSHA made changes to its penalty assessment/reduction policy in 2010. Those changes include:

- **History reduction expanded** from three to five years. This means employers have to have a good track record for a longer period of time to be eligible for the reduction.
- **A new history increase.** Employers that have been cited by OSHA for any high gravity serious, willful, repeat, or failure-to-abate violation within the previous five years receive a 10 percent increase in their penalty, up to the statutory maximum.
- **The time period for repeat** violations increased from three to five years.
- **Area Director/Informal Conference reductions toughened.** Any changes over 30 percent penalty reduction have to be approved by the Regional Administrator.
- **A gravity-based penalty determination** adopted, providing for penalties between $3,000 and $7,000.
- **Size reductions lessened.** Employers who are eligible for a penalty reduction based on size, saw the percent maximum reduction reduced, e.g., employers with 26-100 employees are eligible for a 30 percent reduction, down from 40 percent; employers with 101-250 employees are eligible for a 10 percent reduction, down from 20 percent.
- **Final penalties calculated serially,** unlike the prior practice in which all of the penalty reductions were added and then the total percentage multiplied by the gravity-based penalty to arrive at the proposed penalty. For comparison, this change would result in an increase of approximately 50 percent to a moderate gravity penalty. ♦

Violation or no … you make the call!

Mark couldn't believe the OSHA inspector was checking the forklift so thoroughly.

"There are quite a few nicks in that tire," the inspector said.

"Yes," Mark replied, "We always put a watch on those to make sure they don't get worse."

The inspector didn't seem pleased. "Don't you think you should take it out of service?"

Looking surprised, Mark replied "For a few small nicks?

No, we've had our maintenance person check them and he says they are still fine to operate."

What do you think? Will Mark's employer be cited?

In this case, the employer may or may not be cited, as OSHA inspectors tend to enforce 1910.178(p) fairly aggressively. However, employers have had the fines tossed out when they could show that there was no actual safety issue. Courts have held that to establish a violation of §1910.178(p), which requires employers to take unsafe forklifts out of service, that OSHA must establish the equipment is actually unsafe. The purpose of the standard, as courts have said, is to prevent the operation of a powered industrial truck that is unsafe to operate, until the needed repairs are made, or the defects or unsafe condition eliminated. Conversely, repairs, defects and conditions which do not render the truck unsafe to operate, are not encompassed by the standard. In this particular case, the parties would have to prove their side, which would include manufacturer's recommendations, sizes of the nicks, expert witness, etc.

But, the mere fact that an item on a forklift is not working properly or is defective or damaged in some way, does not necessarily mean it's unsafe. Each situation must be evaluated individually. ♦

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Protecting workers who use cleaning chemicals

Safety Spotlight

Workplaces, such as schools, hospitals, hotels, restaurants and manufacturing plants, use cleaning chemicals to ensure the cleanliness of their buildings. Workers who handle these products include building maintenance workers, janitors and housekeepers. Some cleaning chemicals can be hazardous, causing problems ranging from skin rashes and burns to coughing and asthma. Many employers are switching to green cleaning products because they are thought to be less hazardous to workers and the environment. The following information, derived from an OSHA Infosheet, provides information to employers on practices to help keep workers safe when working with cleaning chemicals, including green cleaning products.

Potential health problems caused by cleaning chemicals

Many factors influence whether a cleaning chemical will cause health problems. Some important factors to consider include:

- Chemical ingredients of the cleaning product;
- How the cleaning product is being used or stored;
- Ventilation in the area where the cleaning product is used;
- Whether there are splashes and spills;
- Whether the cleaning product comes in contact with the skin; and
- Whether mists, vapors and/or gases are released.

Chemicals in some cleaning products can be irritating to the skin or can cause rashes. Cleaning products that contain corrosive chemicals can cause severe burns if splashed on the skin or in the eyes. Mists, vapors and/or gases from cleaning chemicals can irritate the eyes, nose, throat and lungs. Symptoms may include burning eyes, sore throat, coughing, trouble breathing and wheezing. Chemicals in some cleaning products can cause asthma or trigger asthma attacks. Some cleaning products contain hazardous chemicals that can enter the body through skin contact or from breathing gases into the lungs. Mixing cleaning products that contain bleach and ammonia can cause severe lung damage or death.

Choosing safer cleaning chemicals

The Environmental Protection Agency (EPA) defines cleaners, sanitizers and disinfectants as follows:

- Cleaners remove dirt through wiping, scrubbing or mopping.
- Sanitizers contain chemicals that reduce, but do not necessarily eliminate, microorganisms such as bacteria, viruses and molds from surfaces. Public health codes may require cleaning with the use of sanitizers in certain areas, like toilets and food preparation areas.
- Disinfectants contain chemicals that destroy or inactivate microorganisms that cause infections. Disinfectants are critical for infection control in hospitals and other healthcare settings.

Cleaners, sanitizers and disinfectants serve different purposes, and it is important to choose the least hazardous cleaning chemical that will accomplish the task at hand.

Poster Topic This Month

Before purchasing cleaning products, determine whether or not sanitizing or disinfecting is necessary. If sanitizing or disinfecting is not required, then choose a cleaner. In general, disinfectants and sanitizers are more hazardous than cleaners. If sanitizing or disinfecting is necessary, be sure that the product purchased is effective for the microorganisms being targeted.

EPA regulates sanitizers and disinfectants (termed "antimicrobial pesticides") and is a useful resource.

Choosing safer cleaning chemicals: Green cleaners

Many employers and building managers are purchasing "green" cleaning chemicals with the expectation that green cleaning products are safer for workers and the environment. However, placing the word "green" in a name or on a bottle does not ensure that

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a chemical is safe. Employers should review the cleaning chemicals they purchase, including green cleaning products, to understand their health and safety hazards. Employers should choose the least hazardous cleaners. Independent organizations are now certifying chemicals, including cleaners, as "green."

Certified green cleaners must meet specific criteria as defined by the certifying organization. Employers may find information from these certifying organizations helpful when purchasing cleaning chemicals. Some certifying organizations are listed under the Resources section below. The EPA webpages "Cleaning" (http://www.epa.gov/epp/pubs/products/cleaning.htm) and "Greening Your Purchase of Cleaning Products: A Guide for Federal Purchasers" (http://epa.gov/epp/pubs/cleaning.htm) provide comprehensive guidance for purchasers of cleaning products.

SDSs also key

When choosing safer cleaning chemicals, employers can learn much from Safety Data Sheets (SDSs). Employers must obtain and maintain SDSs for all hazardous cleaning products and chemicals that they use. SDSs must be readily accessible to workers. Employers can use the information contained in the SDSs to ensure that workers are properly protected. SDSs include the following important information:

- Hazardous chemical ingredients;
- Symptoms and health problems that may be caused by the chemical ingredients;
- First-aid measures if workers are exposed;
- Recommended personal protective equipment, such as gloves, safety goggles or respirators; and
- Proper procedures for cleaning up spills.

Safe work practices

Employers must provide safe working conditions for employees using cleaning chemicals. When cleaning chemicals are hazardous, employers must train workers on safe work practices for using these chemicals. Safe work practices when using cleaning chemicals include the following:

- Warning workers not to mix cleaning products that contain bleach and ammonia;
- Making sure that workers know which cleaning chemicals must be diluted and how to correctly dilute the cleaners they are using;
- Thoroughly reviewing and training workers on the use, storage and emergency spill procedures for cleaning chemicals;
- Reviewing the proper protective equipment needed, such as gloves and goggles, and providing the proper protective equipment to the workers using the cleaning product;
- Ensuring that all containers of cleaning products and chemicals are labeled to identify their contents and hazards;
- Operating ventilation systems as needed during cleaning tasks to allow sufficient air flow and prevent buildup of hazardous vapors; and
- Providing workers with a place to wash up after using cleaning chemicals.

Better ways to clean

Employers should note recent advances in safe cleaning practices and the availability of modern cleaning equipment that minimizes the use of chemicals. Practices and equipment to consider include:

- Walk-off mats placed inside and outside of entryways (to prevent dirt from being tracked into the building);
- Microfiber mops, cloths and dusters;
- High-filtration HEPA vacuums;
- Walk-behind hard floor auto-scrubbers;
- Hands-free mops; and
- Chemical-free cleaning systems. Building owners and planners should take building cleaning into consideration when designing new buildings, remodeling old buildings and choosing materials, such as flooring. ♦

SAMPLE

Vehicle-mounted forklifts: New industry standard

INSIDE Industry Standards

Earlier this year, the first edition of ANSI B56.14, *Safety Standard for Vehicle Mounted Forklift Trucks,* was approved as an American National Standard by the American National Standards Institute (ANSI). The standard, which is effective March 9, 2016, defines safety requirements covering the design, operation, and maintenance of this equipment.

The standard's secretariat, Industrial Truck Standards Development Foundation (ITSDF), is currently making the standard available for free download from www.itsdf.org.

Uses include government, manufacturers, end users

While the standard is primarily intended to be used as a guide by government authorities when they develop regulations, it may also be used voluntarily by manufacturers or users of vehicle mounted forklifts.

The standard provides a section for users, which covers:

- Modifications, nameplates, markings, and capacity
- Operating training/qualification
- Operating rules
- Transporting the vehicle mounted trucks
- Maintenance/inspection
- Stopping distances
- Stability
- Guards
- Fuel handling
- Hazardous locations
- Aisle and obstructions
- Lighting
- Fumes
- Sound/warnings
- Prohibition of using to elevate personnel

The standard also provides design, construction, and testing specifications for manufacturer's of vehicle mounted forklift trucks, covering such issues as stability, location and function of controls, steering and braking performance, as well as mounting kits. ♦

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Is travel to work in a company vehicle "work related" for recordkeeping?

OSHA recently responded to a question regarding the recordability of injuries sustained in a car accident.

In the scenario, an employee was commuting from home to work in a company vehicle.

The employee was involved in a motor vehicle accident and sustained injuries that required medical treatment beyond first aid. OSHA was asked to clarify whether or not this met the "commute to work" exception in OSHA's recordkeeping regulations.

OSHA's Response: The injury is not considered work related and is therefore not recordable on the OSHA Log. OSHA's recordkeeping regulation at Section 1904.5(b)(2)(vii) allows an employer to exclude cases where an employee is injured in a motor vehicle accident while commuting from home to work or from work to home. The mode of transportation is not determinative of OSHA's definition of an employee's commute. Under this scenario, the daily trips between the residence and work site are considered the employee's commute, regardless of whether they are made by personal vehicle or company-provided vehicle. An accident occurring during the employee's commute is not considered work-related. ♦

Worker suffers fractured jaw, cheek while operating table saw

Courtesy of Oregon OSHA's Resources newsletter

A 24-year-old exhibit builder was assigned the task of cutting a piece of wood with a 10-inch, three-horsepower table saw. Her supervisor reviewed the cutting procedures and how to set up the table saw with her before she began cutting the wood.

The supervisor watched as she began operating the saw without a blade hood guard, a splitter, or anti-kickback guard.

Both employees knew that these guards were available in the shop.

However, they had not been installed on the saw for four months and no one knew who removed them or why they were removed.

As she continued cutting, a piece of waste wood on the outside of the blade kicked back and struck her in the face, fracturing her jaw and cheekbone.

She was hospitalized for six days.

What investigators found

Oregon OSHA personnel found that the company failed to adequately comply with several machine guarding standards:

- **1910.213(c)(1):** Circular handfed ripsaws were not guarded by an automatically adjusting hood, which completely enclosed the portion of the saw above the table and above the material being cut.
- **1910.213(c)(2):** Handfed circular ripsaws were not furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator.
- **1910.213(c)(3):** Handfed ripsaws did not have non-kickback fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. ♦

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Solvents: Common, hazardous

Solvents are contained in many products that we use regularly, such as charcoal lighter fluid, windshield washer fluid, paint, or household cleaners. Even water is considered to be a solvent. Workers also use solvents on the job.

Industrial solvents are used for:

- Cleaning
- Degreasing
- Removing paint, ink, or other coatings
- Producing adhesives, paints, inks, coatings, varnishes, and other sealers

Solvents are usually liquids. Many are colorless. Most have a strong odor that can be either irritating or pleasant. Some solvents evaporate very quickly.

It is always important to read a container's label to identify a substance.

Health hazards

Workers need to understand a solvent's health hazards in order to protect themselves. There may be serious health hazards associated with overexposure to some solvents. Typical routes of entry for solvent overexposures include breathing the solvent's vapors or direct contact with the solvent. Ingestion is not a main route of exposure, but if workers are eating or drinking while using solvents, there is an increased chance that some solvent-containing materials will be transferred into the mouth.

Most solvents are irritants (especially if they are splashed into the eyes) and many are central nervous system depressants. Short-term, acute, effects from breathing some types of solvent vapors can include dizziness and nausea. Skin contact with some solvents can cause irritation, dryness, itching, or dermatitis.

Even if workers don't notice any irritation or health effects right away, long-term overexposure to some solvents can lead to chronic diseases, even cancer. Typical target organs for chronic health effects include the skin, liver, kidneys, circulatory system, reproductive system, or nervous system.

The health hazards of the solvents used in each workplace are explained in the product's safety data sheet (SDS).

Physical hazards

A chemical is a physical hazard if it is, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.

Many solvents are flammable liquids. This means that they can easily ignite and burn. Acetone and methanol are examples of flammable solvents.

The physical hazards of the solvents used in each workplace are explained in the product's SDS.

Health Focus

Controls

There are several available engineering controls for exposure to solvents. Ventilation is one type of engineering control that is commonly used to protect employees from overexposure to solvents. The amount of ventilation and the type of ventilation system needed to protect workers depends on the duration of use, the amount of solvent, the size of the work area, and the solvent itself. A system of hoods and ductwork, a general exhaust fan, or an open window may be adequate depending on these variables. Some solvents do not require ventilation because their use does not release airborne contaminants.

Other examples of engineering controls would be the use of automated chemical transfer equipment (pumps and piping) that eliminates employee exposure to solvents or the substitution of safer materials for irritating or toxic solvents.

PPE is also an option when engineering controls do not eliminate exposure.

In addition, there are several work practices that help minimize workers' risk when they work with solvents, including keeping ignition sources away from flammable solvents. Workers can also limit the amount of solvent needed for the job. This will minimize exposure. ♦

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Stacking materials safely

Picture This

Stacking materials can be dangerous if workers do not follow safety guidelines. Falling materials and collapsing loads can crush or pin workers, causing injuries or death. To help prevent injuries when stacking materials, OSHA recommends workers do the following:

- Stack lumber no more than 16 feet high if it is handled manually, and no more than 20 feet if using a forklift;
- Remove all nails from used lumber before stacking;
- Stack and level lumber on solidly supported bracing;
- Ensure that stacks are stable and self-supporting;
- Do not store pipes and bars in racks that face main aisles to avoid creating a hazard to passersby when removing supplies;
- Stack bags and bundles in interlocking rows to keep them secure;
- Stack bagged material by stepping back the layers and cross-keying the bags at least every ten layers (to remove bags from the stack, start from the top row first);
- Store baled paper and rags inside a building no closer than 18 inches to the walls, partitions, or sprinkler heads;
- Band boxed materials or secure them with cross-ties or shrink plastic fiber;
- Stack drums, barrels, and kegs symmetrically;
- Block the bottom tiers of drums, barrels, and kegs to keep them from rolling if stored on their sides;
- Place planks, sheets of plywood dunnage, or pallets between each tier of drums, barrels, and kegs to make a firm, flat, stacking surface when stacking on end;
- Chock the bottom tier of drums, barrels, and kegs on each side to prevent shifting in either direction when stacking two or more tiers high; and
- Stack and block poles as well as structural steel, bar stock, and other cylindrical materials to prevent spreading or tilting unless they are in racks.

In addition, workers should do the following:

- Paint walls or posts with stripes to indicate maximum stacking heights for quick reference;
- Observe height limitations when stacking materials;
- Consider the need for availability of the material; and
- Stack loose bricks no more than 7 feet in height. (When these stacks reach a height of 4 feet, taper them back 2 inches for every foot of height above the 4-foot level. When masonry blocks are stacked higher than 6 feet, taper the stacks back one-half block for each tier above the 6-foot level.) ♦

SAMPLE

Carbon monoxide hospitalizes 18 workers in Missouri

A total of 18 workers were hospitalized after exposure to deadly carbon monoxide gas levels of up to 6.71 times the permissible limit, OSHA inspectors found.

OSHA investigators determined that in November 2014, employees at a Missouri industrial washer parts manufacturer were testing a commercial industrial parts washer powered by two natural gas heaters. Employees were working inside a building with its doors closed because of cold temperatures, which limited ventilation.

The company was cited by OSHA for one willful and three serious safety violations for failing to provide respiratory protection, monitoring, and to ventilate the work site adequately. Proposed penalties total $70,700.

According to OSHA, blood samples indicated that workers were exposed to high levels of carbon monoxide on the job site, resulting in a willful violation.

OSHA inspectors also cited the company for one serious safety violation for exposing workers to fall hazards because open-sided platforms lacked guardrails. The inspectors also found that the company failed to determine if hazardous conditions existed and to provide personal protective equipment. ♦

SAMPLE

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